

## Message Text

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10

ACTION AID-59

INFO OCT-01 NEA-10 ADP-00 AGR-20 EB-11 COME-00 IGA-02 L-03

CIAE-00 INR-10 NSAE-00 RSC-01 TRSE-00 RSR-01 /118 W

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R 251010 Z APR 73

FM AMEMBASSY TEHRAN

TO SECSTATE WASHDC 2053

UNCLAS TEHRAN 2826

USDA FOR WEST ERS

E. O. 11652: N/ A

TAGS: EAID, EAGR, IR

SUBJECT: REIMBURSABLE TECHNICAL SERVICE AGREEMENT

REF: A. TEHRAN 2332 B. FASTO 33

1. MINAGR FULLY PREPARED TO HANDLE PAYMENT ALL LOCAL TAXES AND NECESSARY TAX RETURNS, AND READY PROVIDE ADVISORS WITH STATEMENT REQUIRED BY IRS ON LOCAL TAXES PAID IN THEIR NAME. MINISTRY UNWILLING, HOWEVER, SUBMIT MEMORANDUM OF UNDERSTANDING ( MOU) TO COUNCIL OF MINISTERS WHICH OFFICIALLY INDICATES IT SUBVERTING IRANIAN TAX REGULATIONS BY MAKING DIRECT TAX PAYMENTS FOR USDA CONSULTANTS. IN EMBASSY VIEW, LANGUAGE PROPOSED PARA 1. C.4 REFTEL ( A) MEETS OUR ESSENTIAL NEEDS-- USDA PERSONNEL WILL NOT BE PAYING LOCAL TAXES-- AND IS AGREEABLE TO IRANIAN AUTHORITIES. WE ASK THAT IT BE RECONSIDERED ACCORDINGLY.

2. AS PRESENTLY PHRASED ARTICLE A SECTION IX, PRIVILEGES AND IMMUNITIES UNACCEPTABLE TO MFA. MINAGR REQUESTS USDA CONSIDER SUBSTITUTING FOLLOWING:

QUOTE THE MINISTRY AGREES TO ACCORD PERSONS ASSIGNED TO THIS PROJECT AS ADVISORS AND CONSULTANTS THE SAME IMMUNITY FROM CLAIMS OF THIRD PARTIES AS IS GRANTED EMPLOYEES OF THE MINISTRY IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. UNQUOTE ABOVE FORMULATION DELETES SENTENCE ON INSURANCE, PROVISION THAT WE THINK SHOULD BE UNCLASSIFIED

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RETAINED. NEW ARTICLE OTHERWISE APPEARS PROVIDE NECESSARY IMMUNITY FROM CLAIMS RESULTING FROM OFFICIAL ACTS AND IS, IN OUR OPINION, MOST WE CAN REASONABLY DEMAND FROM GOI WHICH, AS MATTER OF POLICY, UNWILLING GRANT FULL DIPLOMATIC IMMUNITY TO BILATERAL TECYNICAL ADVISORS.

3. COMMENT: MINAGR ATTEMPTING, WHEREVER POSSIBLE, BE FULLY FORTHCOMING AND WHILE LANGUAGE SUGGESTED BY USDA PREFERABLE, ALTERNATIVES PUT FORTH BY MINAGR APPEAR SATISFY OUR BASIC INTERESTS. SHOULD, AS APPEARS EXTREMELY UNLIKELY, MINAGR FAIL LIVE UP TO ITS ORAL AND WRITTEN COMMITMENTS WE CAN ALWAYS EXERCISE OPTION SUSPEND MOU. DECISION ON ABOVE ISSUES CLEARLY UP TO USDA, BUT WE WOULD HATE TO SEE PROGRAM OF THIS SIGNIFICANCE FOUNDER ON ISSUES WHERE MINAGR READY AND WILLING ACCOMMODATE OUR ESSENTIAL DEMANDS, BUT UNABLE, IN ABSENCE PARLIAMENTARY APPROVAL, SPELL OUT FULL DETAILS IN OFFICIAL GOVERNMENT DOCUMENT ( MOU).

4. ACTION REQUESTED: EARLY CONSIDERATION PROPOSED CHANGES TO MOU AND INSTRUCTIONS THAT WE PRESS FRO RETENTION OF INSURANCE CLAUSE.

HELMS

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\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* UNCLASSIFIED

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